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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-eighth session
Agenda item 18 (b)

FREEDOM OF MOVEMENT

POPULATION DISPLACEMENTS

Written statement submitted by the Transnational Radical Party, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 August 1996]

Human rights dimension of population transfer in Tibet

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities by its resolution 1992/28 of 27 August 1992 entrusted Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano to prepare a preliminary study on the human rights dimension of population transfer. And, by its resolution 1993/34 of 25 August 1993, the Sub-Commission endorsed the conclusions and recommendations of this study (E/CN.4/Sub.2/1993/17), which found, inter alia, that "population transfer is, prima facie, unlawful and violates a number of rights affirmed in human rights and humanitarian law for both transferred and receiving populations".

2. In the progress report (E/CN.4/Sub.2/1994/18) submitted to the forty-sixth session of the Sub-Commission Mr. Al-Khasawneh, in one of the conclusions said: "In circumstances when the purpose or method of transfer constitutes genocide, slavery, racial or systematic discrimination and torture, the transfer may qualify as a crime within the meaning of article 19 (part I) of the International Law Commission's draft articles on State responsibility and carry all the consequences for internationally wrongful acts and, in addition, those normally associated with crimes. Within this purview fall acts such as 'ethnic cleansing', dispersal of minorities or ethnic populations from their homeland within the State, and the implantation of settlers amounting to the denial of self-determination".

3. The Transnational Radical Party has been raising the human rights situation in Tibet where the human rights dimensions of the population transfer are alarming. The massive settlement of Chinese settlers all over Tibet now poses a direct threat to the very survival of the religious, cultural and national identity of the Tibetan people. At the fifty-first session of the Commission on Human Rights, Mr. Abdelfatiah Amor, the Special Rapporteur on religious intolerance, after a visit to Lhasa in November 1994, warned in his report (E/CN.4/1995/91) about the threats to the preservation and practice of Tibetan Buddhism because of the ongoing demographic changes in Tibet.

4. During the last more than four decades, the move of Chinese settlers into Tibet remained an important Chinese policy to undermine the Tibetan population. Chinese leaders from Mao Zedong to Deng Xiaoping to Jiang Zemin have openly called for the implantation of Chinese settlements in Tibet. In 1952 Mao Zedong proposed a five-fold increase in the population of the "Tibet Autonomous Region (TAR)" saying: "Tibet covers a large area but is thinly populated. Its population should be increased from the present two or three million to five or six, and then to over ten million". 1/

5. In 1985 the Chinese Embassy in New Delhi announced its Government's intention to "address the imbalance between the vast untapped mineral wealth and thin population" not just of Tibet but including "other sparsely populated outlying regions". Chinese settlements should be "welcomed by the local population, and should result in a population increase of sixty million over the next thirty years in those regions". This, the announcement went on to say, "is a very conservative estimate. As a matter of fact the increase might swell to a hundred million in less than thirty years". 2/

6. An official Chinese document, The Population of China: A Survey of Qinghai, reported in 1989 that for 36 years, from 1954 to 1989, Qinghai province (formerly Amdo, the north-eastern province of Tibet) received 1,167,110 immigrants from other provinces of China. This meant an average increase of 36,472 immigrants per year during the above period, the publication observed. 3/ Since there was no compulsion for people from "TAR" and Inner Mongolia to migrate to Qinghai, one can safely say that all these immigrants came from China. The settlers included cadres, university graduates, scientists, technicians, industrial and mining workers, agriculturalists for state farms, military personnel and former prisoners. Most of them came from Shanghai, Beijing, Tianjin, Shandong, Hunan, Shaanxi

and Sichuan. They were settled all over Qinghai, such as Xinoing, Tsoshar (Haidong), Tsonub (Haixi), Tsojang (Haibei) and Tsolho (Hainan).

7. For example, in the early 1950s, the Gormo region of "Haixi Mongolia-Tibetan Autonomous Prefecture" had only a scattered population of Tibetan and Mongolian nomads. A Survey of Qinghai states that by 1982 its population was more than 120,000, of which the percentage of Tibetans was 4.1 per cent, Mongolians 2.9 per cent and Chinese 87.7 per cent. In Gyugo township near Tsoed monastery, there were 30 families of Chinese and Muslim traders in 1949. Now there are more than 30,000 people, 90.2 per cent of the total population being Chinese settlers who occupy all the offices, factories and shops in this new town.

8. Massive population transfer does not only inflict a demographic assault on the local population but it also brings about a devastating impact on the environment in north-eastern Tibet. The Qinghai Daily newspaper recently complained that widespread and unregulated gold mining had seriously damaged State-owned mining areas added to soil erosion along major rivers and pushed some rare animal species, like the snow leopard and white-lipped deer, toward extinction. 4/

9. If we look into the demographic situation of Takster, the birthplace of the Dalai Lama. There are about 50 families in the village. All of them claimed to be Tibetans, but only two of them spoke Tibetan, according to a recent visitor. There was one school, where only Chinese was taught. There was not a single Tibetan teacher in that school. On numerous occasions, the local people had requested that a Tibetan language teacher be sent to the school. But the authorities have not fulfilled their wishes so far. There are many such cases in Tibet. 5/

10. China's official population transfer is continuing in Tibet. What happened in north-eastern and south-eastern Tibet is now happening in central Tibet, particularly in the so-called "Tibet Autonomous Region". The Chinese settlers already hugely outnumber the local Tibetan population in major "TAR" cities and towns like Lhasa, Lhokha, Tsethang, Shigatse, Dromo, Nagchu, Bayi and Nyingtri. The profile of Chinese now moving to central Tibet clearly divides into two types. One group is connected to the Chinese Government's aims and objectives: officials, miners, factory hands and soldiers with their families. The other type of Chinese settlers in the region are poor, unemployed Chinese in search of a better living who also benefit from the protection of the authorities.

11. One official Chinese publication 6/ put the number of Chinese settlers in "TAR" from 1965 to 1973 at 121,900 or "an average of 14,300 people per year". The publication goes on to state that in 1965, after the establishment of the "TAR", Beijing started large-scale economic developments in Tibet. "In the industrial sector, particularly, many factories were built and mines dug. To fill the vacancies for workers needed to run these economic enterprises, thousands of Chinese scientists, administrators and skilled and semi-skilled workers and their extended families came to Tibet every year. In addition, a large number of educated youths joined the efforts to develop Tibet", the publication added. On 24 April 1991, a Tibet Daily article 7/ referred to a

total of more than 200,000 Chinese immigrants who have arrived in central Tibet from 29 different Chinese cities and autonomous regions.

12. Even if we were to accept the above figure, spouses and children of the officially listed settlers were not included in this tally. Most family members are not listed on the official "Residential Permit Card" that must be carried by heads of civilian households crossing China's internal border. In the June 1994 issue of Chian Shou (Frontline), a Chinese-language Taiwanese journal, there was an article by Lou Ping. The article entitled "China using the People's Liberation Army (PLA) to colonize Tibet", states that although the Chinese Constitution stipulates that discharged soldiers must return to their place of origin at the end of 1993 the Chinese Central Military Committee decided secretly that beginning in 1994, PLA soldiers being posted in the "TAR" were to bring their official residential cards with them. The main objective of this secret plan, according to Lou Ping, is to settle these soldiers in Tibet once their duty is over.

13. All these trends show that Tibetans are slowly becoming a minority in their own country and the Chinese authorities seem to be the least bothered about this. Instead they encourage more and more Chinese to move and settle all over Tibet. The Chinese policy of population transfer may be about to achieve what repression and military might have failed to do during the past four decades. If demographic aggression against Tibet continues at this rate, it will not be long before the Tibetans are rendered a tiny and insignificant minority in their own homeland. By then, Tibetans as a distinct people and civilization will be lost to this world. It is in view of this grave threat that many people have termed the Chinese policy of population transfer "China's Final Solution to the issue of Tibet". The Dalai Lama, the Tibetan leader, has called this Chinese policy "ethnic genocide" against the Tibetan people.

14. The Transnational Radical Party believes that the Chinese authorities as the "Occupying Power" is violating article 49 of the Fourth Geneva Convention of 1949 in Tibet, by transferring millions of "its own population into the territory it occupies". In conclusion, we call upon the Sub-Commission on Prevention of Discrimination and Protection of Minorities to take note of the seriousness of the situation of population transfer in Tibet.

Notes

1/ Renmin Ribao (People's Daily), 22 November 1952. The newspaper is the official Chinese newspaper.

2/ Movement Westward, Reference Material No.2 Embassy of the People's Republic of China, New Delhi, 4 February 1985.

3/ The Population of Zuanqo: A Survey of Qinghai (Chinese), published jointly by the Culture and Education Bureau, the State Council and the Population Survey Bureau, 1989, p. 177.

4/ Patrick E. Tyler, "In Rural China, 'Gold Lords' Challenge the State", International Herald Tribune, 20 July 1995.

5/ Population transfer as an official Chinese policy, statement by Tenzin Talbar, Tibet hearing, Foreign Affairs Committee, German Parliament, 19 June 1996.

6/ Population of China: A Survey of the Tibet Autonomous Region.

7/ "Skilled immigrants of different nationalities contribute to the development of Tibet".

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER THE COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII).

Written statement submitted by The World Federation of Democratic Youth, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 August 1996]

1. The World Federation of Democratic Youth (WFDY) is preoccupied by the bleak situation of human rights and fundamental freedoms in the Sudan. Since its ascendance to power in June 1989, the Government has unleashed a horrendous spate of fundamental rights violations on all segments of Sudanese society. The Government is especially targeting youth and students, trade unionists, all potential political opponents, as well as human rights and pro-democracy activists. The security apparatus was allowed a free hand to arrest, detain, torture and extrajudicially execute political opponents in special detention centres. Reports reaching WFDY confirmed that the notorious torture cells, known as "ghost houses" are still operational, holding dozens of students, youth, trade unionists and pro-democracy activists. The

situation with regard to fundamental rights violations is especially dire in the war affected zones in southern Sudan, the Nuba Mountains and the Beja area in eastern Sudan.

2. Although the Government claimed to have introduced political changes through parliamentary and presidential elections organized in March 1996, and to be undertaking a transition towards democratic governance, these changes fell short of addressing the real reasons behind human rights violations in the Sudan. The elections excluded the main political forces in the Sudan. They were hastily organized under emergency regulations which hardly provided a health political climate for free and fair elections. Since June 1989, the country has been ruled by presidential decrees. These decrees have curtailed the fundamental rights of the Sudanese people. The majority of these measures are still in place. Presidential Decree No. 1, for example, prohibits any sort of opposition to the National Salvation Revolution, as the regime used to call itself.

3. The Government continues to prohibit freedom of expression and association, as well as political pluralism. Special measures allow the Government to dismiss persons from public service, suspend newspapers, confiscate property and restrict freedom of movement. As the Government is still committed to its fundamentalist Islamic ideology and deformed model of the Islamic State, the legal framework in Sudan, which is based on the Government's own interpretation of Islamic jurisprudence, remains unchanged. Consequently, the rights of non-Muslims and women are subjected to serious violations and curtailment.

4. Violations of human rights and fundamental freedoms have been carried out with impunity since the courts of law are completely excluded from examining any actions or decisions taken by the Government under the present measures and regulations. Instead, special courts, known as "public order courts" composed of military personnel have been empowered with vast authority. Many people have been summarily sentenced by these courts without recourse to the right of appeal. The independence of the judiciary has been completely eroded and the executive invested with ultimate power over the appointment, dismissal, promotion and transfer of judges.

Arbitrary arrests and detention

5. On 8 June 1996, in a peaceful gesture, a group of Sudanese citizens representing the major political forces presented a memorandum to President Omer El Bashir, citing the deteriorating economic and social conditions in the country as the reason behind their move. The memorandum called on the Government to step down, restore political freedoms and allow an interim government to rule the country. Following the submission of the memorandum, President El Bashir dismissed its contents and declared: "The basic Islamic agenda of the regime will not change. Islam is the cornerstone of our policy and will not be changed. There will not be a return to multi-party democracy in the country. There will be no reversal of the basic policies of the regime". This clear rejection of multiparty democracy in the Sudan has removed hope for any meaningful reconciliation with the opposing political forces in the country.

6. Considering this peaceful move as a sign of disobedience, the Government embarked on a fierce campaign of arrest and detention of political opponents. The list of those arrested includes Mohammed al-Hafiz (45 years), advocate (one of the signatories of the 8 June memorandum); Taha Surig (40 years), advocate; Ali Seilat (50 years); Abdel Karim Karouma (78 years); Mohammed Mahjoub (66 years); Mohammed Sullman; Dalil Rahmatallah; Kamal Abdel Karim Mirghani, Ali Habiballah, Kamal Abdel Rahman al-Shiekh, Omar Abdallah, Al-Haj Osman, Taha Mohammed Taha, Abdallah Abdel Aziz, Adil Karar, Abdallah Malik. WFDY is deeply concerned that these persons might be undergoing torture and maltreatment in government custody.

7. According to Sudan Human Rights Organization, some persons were ordered to report to the security offices on a daily basis from 8.00 to 23.00 hrs while others were ordered to report more than once a week for questioning and interrogation. This type of undeclared detention has severely disturbed the professional and family lives of its victims. Persons currently undergoing this undeclared detention are Prof. Abdel Moniem Attia, Al-Sir Mekki, Mohammed Ibrahim Kabag, Mohammed Musa, Mahjoub al-Zubir, Yahia Ali Abdallah, Awad al-Karim Mohammed Ahmed and Nasur Ali Nasur.

Freedom of the press

8. Freedom of expression and the press is under severe siege and curtailment by means of stiff censorship legislation issued in 1993. Despite the fact that only supporters of the Government and loyal journalists are issued licences to practise journalism in the Sudan, the regime showed a great degree of intolerance to criticism from its own supporters and loyalists. In July 1996 the Government controlled Press and Publication Council ordered the shutdown of Al-Rai' Al-Akhar, a privately owned pro-government daily newspaper "for publishing news which offends or demoralizes the Regular Defence Forces". The apparent reason behind this decision dates back to 19 May 1996 when a number of security officers stormed the premises of the newspaper, confiscated about 20,000 copies that were ready for distribution and immediately suspended publication of the paper for two weeks. The newspaper had earlier reported news of a military revolt in Eddewaim Prison, 180 km. south of Khartoum. The revolt was provoked by soldiers jailed in harsh conditions after an alleged coup attempt.

9. This is not the first time that the publication of newspapers has been suspended or banned in the Sudan. In 1994, another pro-government paper Al-Sudani was closed down and its editor, Mahjoub Erroa, and other senior staff members were arrested. On 22 April 1996, the security forces arrested four journalists employed by Sudan Television, Ismael Mohammed Al-Hassan, Husain Salih, Abbas Suliman and Osama Gandi. They were held in a ghost house and denied any visits. These acts violate article 9 of the African Charter on Human and People's Rights and article 19 of the Universal Declaration of Human Rights which state respectively: "Every individual shall have the right to receive information. Every individual shall have the rights to express and disseminate his opinion within the law" and "Everyone has the right to freedom of opinion and expression and to seek, receive and impart information and ideas through any medium and regardless of frontiers".

War affected zones

10. In spite of its apparent support for a peaceful solution to the armed conflict in the Sudan which has been crippling the country since 1983, the Government insists on a military victory to impose its programmes of Islamization and Arabization of the south and the Nuba Mountains. The fighting was seriously intensified by the regime's declared "Jihad" (Holy War). Since the present Government came to power in June 1989, it is estimated that the number of persons who have died as a result of intensified military operations has largely surpassed the number of casualties reported during 30 years of previous wars. In its efforts to gain a military victory, the government army is involved in a policy of massive displacement of civilian population from the south and the Nuba Mountains.

11. The Government's increased dependence on its undisciplined militia groups, widely known as the Popular Defence Forces (PDF), has rendered violations of human rights and fundamental freedoms in the war affected zones unbearable. In his reports (A/50/569 and E/CN.4/1996/62) to the General Assembly and the Commission on Human Rights, the Special Rapporteur on the situation of human rights in the Sudan, Mr. Gaspar Biro, has painted a grim picture of abduction of children and women, enslavement, rape and extrajudicial killings and other gross violations of fundamental rights committed by the government forces in the war affected zones. According to a report of Christian Solidarity International, the Government is using cluster bombs in its attacks against civilian targets in south Sudan. The report states that: "On 17 June 1996, a total of 12 bombs, at least half of them of the cluster bomb type were dropped on Chukudum and its population of 5,500 people (20,000 in the surrounding areas), scattering bomblets which can detonate at any time. Bomblets fell next to the local primary school and the Roman Catholic church. A bomb of a different type exploded 300 metres away from a hospital run by the Norwegian People's Aid.

Youth and students

12. The Government is still following its policy of forced conscription and drafting youngsters into the militia. Thousands of Sudanese youths have been rounded up on the streets of major towns and sent to the war zone for hasty training and speedy dispatch to the battlefields in complete disregard of their basic rights. Young people are usually indoctrinated to go to the battlefields to kill the infidels or die as martyrs (E/CN.4/1996/NGO/42). In education the scenario is similar. The government policy has deprived the universities and institutes of higher education of qualified personnel. Continuous government interference in higher education policies have forced university students to stage many protests and demonstrations. Many students have been arrested and detained on different occasions. Late in July 1996, the Government closed down Omdurman Ahliya University for an unknown period. Indoctrination and orientation programmes have been introduced through major changes in the syllabus at all educational levels.